



In re application of

Carter et al.

Serial No.: 10/051,363

Filed: January 17, 2002

Confirmation No.: 7439

For: **DEVICE FOR IMMOBILIZING A PATIENT AND
COMPRESSING A PATIENT'S SKELETON, JOINTS
AND SPINE DURING DIAGNOSTIC PROCEDURES
USING AN MRI UNIT, CT SCAN UNIT OR X-RAY UNIT**

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 9th day of August 2004.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 38 references (3 pages)
- A copy of each of the references list on the Form PTO-1449
- Postcard

Respectfully submitted,

Sam & Tang

DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913

DLT:dfw

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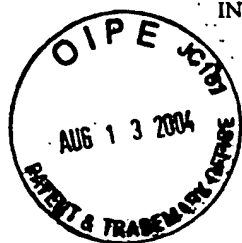
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JONATHAN W. RICHARDS
DAVID R. WRIGHT
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PATENT APPLICATION
Docket No. 16162.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Carter et al.)
)
Serial No.: 10/051,363) Art Unit
) 3743
Filed: January 17, 2002)
)
Confirmation No.: 7439)
)
For: DEVICE FOR IMMOBILIZING A PATIENT)
AND COMPRESSING A PATIENT'S)
SKELETON, JOINTS AND SPINE DURING)
DIAGNOSTIC PROCEDURES USING AN)
MRI UNIT, CT SCAN UNIT OR X-RAY UNIT)

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ___ Statement of relevance of selected cited references not in the English language which are not translated.
- ___ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ___ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 38 references submitted for consideration.
- ☒ A copy of each of the references listed on the Form PTO-1449.
- ☐ English translations of ___ (___) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Check No. _____ in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

- ____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ____ Petition to Withdraw from Issue; and
- ____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 9th day of August 2004.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800



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AND SPINE DURING DIAGNOSTIC PROCEDURES)
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USING AN MRI UNIT, CT SCAN UNIT OR X-RAY UNIT)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

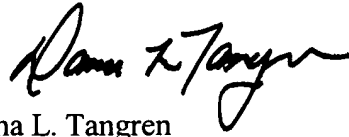
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 9th day of August 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren", with a stylized, flowing script.

Dana L. Tangren
Attorney for Applicant
Registration No. 37,246
Customer No. 022913

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Applicant: Clayton Reed Carter et al.

Confirmation No.: 7439

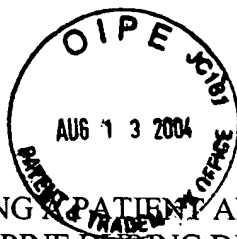
Serial No.: 10/051,363

Att'y Docket No.: 16162.1

Filing Date: January 17, 2002

Group: 3743

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SKELETON, JOINTS AND SPINE DURING DIAGNOSTIC PROCEDURES USING AN MRI
UNIT, CT SCAN UNIT OR X-RAY UNIT



INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
___ 1	3,629,581	12/21/1971	Smith
___ 2	3,783,863	01/08/1974	Kliever
___ 3	3,851,644	12/03/1974	Slagle
___ 4	4,202,355	05/13/1980	Loeffler
___ 5	4,407,277	10/04/1983	Ellison
___ 6	4,580,554	04/08/1986	Goodley
___ 7	4,669,106	05/26/1987	Ammerman
___ 8	4,674,483	06/23/1987	Frederick
___ 9	4,799,497	01/24/1989	Riley, II
___ 10	4,854,305	08/08/1989	Bremer
___ 11	4,890,604	01/02/1990	Nelson
___ 12	4,956,885	09/18/1990	Alich et al.
___ 13	5,154,186	10/13/1992	Laurin et al.
___ 14	5,217,488	06/08/1993	Wu
___ 15	5,342,290	08/30/1994	Schuellein
___ 16	5,427,116	06/27/1995	Noone
___ 17	5,451,232	09/19/1995	Rhinehart et al.
___ 18	5,476,095	12/19/1995	Schnall et al.
___ 19	5,549,849	08/27/1996	Namura et al.
___ 20	5,602,809	02/11/1997	Shikano

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Clayton Reed Carter et al.

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SKELETON, JOINTS AND SPINE DURING DIAGNOSTIC PROCEDURES USING AN MRI
UNIT, CT SCAN UNIT OR X-RAY UNIT

_____ 21	5,662,597	09/02/1997	Chitwood
_____ 22	5,680,861	10/28/1997	Rohling
_____ 23	5,724,970	03/10/1998	Votruba et al.
_____ 24	5,730,706	03/24/1998	Garnies
_____ 25	5,743,264	04/28/1998	Bonutti
_____ 26	5,762,073	06/09/1998	Choy
_____ 27	5,779,733	07/14/1998	Willen et al.
_____ 28	5,807,255	09/15/1998	Yokota et al.
_____ 29	5,810,006	09/23/1998	Votruba et al.
_____ 30	5,836,878	11/17/1998	Mock et al.
_____ 31	5,899,859	05/04/1999	Votruba et al.
_____ 32	5,991,651	11/23/1999	LaBarbera
_____ 33	6,000,399	11/14/1999	Choy
_____ 34	6,217,538 B1	04/17/2001	Anderson
_____ 35	6,273,867 B1	08/14/2001	Glazer
_____ 36	6,295,672 B1	10/02/2001	Vassallo, Jr.
_____ 37	6,611,703 B2	08/26/2003	Kuth et al.
_____ 38	6,708,693 B1	03/23/2004	Choy et al.

Foreign Patent Documents

<u>Examiner</u> <u>Initial*</u>	<u>Document</u> <u>Number</u>	<u>Publication</u> <u>Date</u>	<u>Country or</u> <u>Patent Office</u>	<u>Translation</u>
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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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UNIT, CT SCAN UNIT OR X-RAY UNIT

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
